	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 1 of 11	Resolution #	31745

### **1. Purpose**

The purpose of the vacant building ordinance is to protect the public health, safety, and welfare of residents by establishing a program for the identification and regulation of vacant buildings within the City. This policy will determine the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

### **2. Findings**

Neglected vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Neglect of vacant buildings creates health and safety risk not only to the vacant property but the adjacent properties as well. They often have junk, debris, and are overgrown with tall grass and weeds. Vacant buildings discourage economic development and depress the appreciation of property values. There is a substantial cost to the city for monitoring vacant buildings whether they are neglected or secured and maintained. This cost should be borne by the owners and not by the community.

### **3. Definitions**


**Vacant building.** A building or structure is vacant if no person or persons actively and currently conduct a lawful business or lawfully reside or live in any part of the building in accordance with the City's zoning regulations.

**Neglected Vacant Building.** Any building or portion of a building which meets any one or more of the following conditions for more than 90 calendar days in any given twelve (12) month period.

- a) unoccupied and unsecured
- b) unoccupied and secured by boarding or by means other than those used in the design of the building.
- c) unoccupied and has housing and/or building code violations.
- d) unoccupied and unfit for occupancy
- e) unoccupied and declared dangerous or unsafe under this code.

### **4. Section 2 – Vacant and Neglected Vacant Building Registration**

**2.1 Vacant Buildings.** The owner or responsible party must register a vacant building with the City no later than thirty (30) calendar days after the building has become vacant. Vacant Building permits will expire after 365 days. (1-year) This registration must be submitted on a form provided by the city.


	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 2 of 11	Resolution #	31745

**2.1.1 Neglected Vacant Buildings.** The owner or responsible party must register a neglected vacant building with the City no later than thirty (30) calendar days after the building official has notified the owner that the building has been declared a neglected vacant building or within thirty (30) calendar days of the building becoming a neglected vacant building as defined by this policy (regardless of whether the building official has officially declared the building neglected and vacant), whichever is earlier. Neglected Vacant Building permits will expire after 365 days. (1-year) This registration must be submitted on a form provided by the city.

**2.1.2 Registration Forms.** Registration shall be submitted on a form provided by the City, and shall include the following information supplied by the owner:

- a) The name, address, telephone number, and email address, if applicable, of each owner or the owner's representative.
- b) The names, addresses, telephone numbers, and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building.
- c) The name, address, telephone number, and email address, if applicable, of a local agent or person responsible for managing or maintaining the property.
- d) Street address of the premises on which the building is situated.
- e) A description of the premises, including the street address of the property.
- f) The date the building became vacant, the period of time that the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and for correcting code violations and nuisances, or for demolition of the building.
- g) The status of water, sewer, natural gas, and electric utilities.
- h) Proof of insurance coverage for the property including the following minimum amounts:
  1. \$100,000 in general Liability coverage, and
  2. Fire and casualty coverage for all structures equal to no less than their assessed value, as determined by the Linn County Assessor and the applicant's insurance provider, or a minimum of \$50,000, or
  3. If insurance is not available to be obtained a Bond in the amount of \$50,000 can be secured in the City's favor to ensure all structures on the property can be properly demolished and removed in the event of destruction without taxing public resources.
- i) The owner must notify the building official of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change.

**2.2 Property plan.** The property plan as identified in Section 2.1.2 (f) must meet the following requirements:


	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 3 of 11	Resolution #	31745

- a) *General provisions.* The plan must comply with all applicable regulations and meet the approval of the building official. It must contain a timetable regarding use or demolition of the property. The plan must be submitted within 30 days after the building is registered.
- b) *Maintenance of building.* The plan must identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property must comply with the applicable building codes and city regulations.
- c) *Plan Changes.* If the property plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the building official.
- d) *Demolition Required.* If a building has remained a neglected vacant building for a period of three hundred and sixty-five (365) consecutive days, and the building official has not approved an alternative schedule in the property plan, the owner must demolish the building in accordance with the demolition permit procedure and review and restore the grounds to what is allowed by city code Chapter 340. If the owner does not demolish the building, the city may commence abatement and cost recovery proceedings for the abatement of the violation, as provided under the Marion Code of Ordinances and the Iowa Code.
- f) *Demolition exempt.* When vacant building a meets the definition of a historic building per the Marion Code of Ordinances, the building may be exempt from demolition pending review by the Historic Preservation Commission pursuant to Marion Code of Ordinances Chapter 173. The City of Marion may also seek an award of title to the property pursuant to the provisions of the Iowa Code Section 657A.10B to the extent it has been legally abandoned in lieu of demolition.

**2.3 Non-compliance and Notification.** If the owner does not comply with the property plan or maintain or correct nuisance items, the City may commence abatement and recover its costs for correction of those items in accordance with city code Chapter 223, Nuisance Abatement or any other applicable chapter of the Marion Code of Ordinances. In the case of an absent owner and ongoing nuisance items, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner that it intends to provide ongoing abatement until the owner corrects the items will be sufficient notice.

**2.4 Exemptions.** The following are exempt from the requirements of registration:

- a) *Natural Disaster and Fire Damage.* A building that has suffered damage from natural disaster or fire is exempt from the registration requirement for a period of ninety (90) days after the date of the incident if the owner submits a request for exemption

	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 4 of 11	Resolution #	31745

in writing to the building official. A request for exemption must be approved by the building official and include the following information supplied by the owner:

1. A description of the premises.
2. The name and address of the owner or owners.
3. A statement of intent to repair and reoccupy the building in an expeditious manner including the time frame for completion.
4. Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.
5. Within ninety (90) days after the exemption period a property plan as identified in Section 2.1 (f) must be submitted and the building properly registered as a neglected vacant building unless a permit for demolition or a permit for reconstruction has been issued.

b) *Property actively listed for sale or lease.* A vacant property that is actively listed and offered for sale or lease by a state of Iowa licensed real estate agent shall be exempt from registration requirements subject to the following conditions:


1. The Property is offered for sale at a price not to exceed twenty-five percent (125%) over the assessed value as documented by the Linn County Assessor's Office unless the owner is able to submit recent comparable market data which justifies a higher value.
2. The property is offered for lease at a proposed rent that is comparable with the rental market throughout the community.
3. The Building Official has the discretion to waive the requirement to list the property for sale or licensed real estate agent for good cause shown.

c) *Temporary vacancies.* When a building is vacant for a period of five months or less during a calendar year, the owners are not required to register the building, but they may do so voluntarily.

**2.5 Fees.** The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site. The fee must be paid in full prior to the issuance of any building permits or licenses, except for demolition permits.

a) **Waiver of Fee.** The registration fee may be waived if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the City that are associated with the vacant property; and demonstrates, to the satisfaction of the building official:

1. That the property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the building official; and either,

	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 5 of 11	Resolution #	31745


2. The owner is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
3. The owner has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the building official.
4. The building is being voluntarily registered as temporarily vacant under section 2.4(c) of this policy.

- b) **Assessment.** If the registration fee or any portion is not paid within 60 days after billing, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in section 223.06 of this code.
- c) **Issuance of Permit.** Upon completion of the registration process and payment of the fee, the City will issue a Vacant Building Permit to the owner. The owner must securely post the permit on the vacant building, if possible, on a side entrance door that is not generally visible from the public street. If no side entrance door is available, the permit must be securely posted on another available entrance door. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

## 5. **Section 3 – Renewal of Registration**

The building official is hereby authorized to issue and renew vacant or abandoned building registrations for specific buildings, in the names of the applicant owners, operators or managers, provided the following criteria are met:

- a) **Building In Compliance with Regulations:** The building for which the permit sought is warranted by the owner or operator to substantially comply with applicable provisions of this Policy.
- b) **Application By Owner:** The owner or operator legally authorized and responsible for maintenance of the building for which a vacant or neglected vacant building registration is sought shall first make application therefore on an application provided by the building official.
- c) **Payment of Fees:** All fees required by this policy pursuant to the issuance of a vacant or abandoned building permit are paid in full to the city.
- d) **Agent of Owner/Operator:** The applicant shall designate a responsible agent to represent the owner/operator whenever the said applicant is not available for

	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 6 of 11	Resolution #	31745

maintenance of the building for which a permit is sought. Said agent shall have full authority and responsibility, the same as the owner/operator, for maintaining the building.

- e) *An Application for Renewal:* Renewal of a vacant or abandoned building registration may be made within sixty (60) days prior to the expiration of an existing operating registration. Application for renewal of vacant or abandoned building registration shall be due on the 1-year anniversary of the issuance date. Application may be made, and registration fees paid until the anniversary date without penalty. Each day that the owner fails to renew such license as required by this policy shall constitute a separate violation for which a Municipal infraction citation may be issued in accordance with Chapter 55 of the Marion Code of Ordinances.

#### **6. Section 4 – Change of Ownership**

---

A new owner(s) must register or re-register a vacant or neglected vacant building under section 2 within fifteen (15) days of any transfer of an ownership interest in a vacant building. The new owner(s) must comply with the approved property plan and timetable submitted by the previous owner. Any proposed changes in the property plan must be submitted and approved by the building official. Failure to register as a new owner within 15 days may be subject to a penalty in an amount adopted by resolution by the City Council.

#### **7. Section 5 – Inspections**

---


The building official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with sections 1 through 10 and other applicable regulations. Upon the request of the building official, the owner or responsible party must provide access to all interior portions of the building and the exterior of the property to complete an inspection. If the owner or responsible party is not available to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, a vacant building must be inspected by the city and found to be in compliance with Chapter 126 Art. I of the City Code and all other applicable regulations. All application and reinspection fees must also be paid prior to any re-occupancy of the building. All such fees are set by Resolution of the City Council.

#### **8. Section 6 – Maintenance of Vacant Buildings.**

---

The owner must comply with and address the following items in the property plan, as described in Section 2.2:

- a) *Appearance.* All vacant buildings must be so maintained and kept that they appear to be occupied.


	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 7 of 11	Resolution #	31745

b) **Securing.** All vacant buildings must be secured from outside entry by unauthorized persons or pests. Security must be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one operable door into every building and into each housing unit. No doors shall be chained, barred, or barricaded from the inside, unless marked from the exterior as "THIS DOOR BLOCKED." The sign shall consist of letters having a principal stroke of not less than 3/4 inch (19.1 mm) wide and not less than 6 inches (152 mm) high. Exterior walls and roofs must remain intact without holes.

1. *Architectural (Cosmetic) Structural Panels.* Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade- finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
2. *Temporary Securing.* Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors and other openings for a maximum period of 14 days.
3. *"Artistic" board-up.* With prior approval of the building official, artistic options may be utilized to secure a vacant building.
4. *Emergency securing.* The building official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

c) **Fire Safety.**

1. *Fire protection systems.* Owners of vacant buildings must maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all smoke control and fire sprinkler systems. This requirement may be waived if the building is outside the required setbacks as stated in Chapter 126 Article I of the Marion Building Code Ordinance.
2. *Removal of hazardous and combustible materials.* The owner of any vacant building, or vacant portion thereof, must remove all hazardous material and hazardous refuse that could constitute a fire hazard or


	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 8 of 11	Resolution #	31745

contribute to the spread of fire.


- d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system must be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building's water systems must be protected from freezing.
- e) Electrical. Electrical service lines, wiring, outlets, or fixtures not installed or maintained in accordance with applicable codes must be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.
- f) Lighting. All exterior lighting fixtures must be maintained in good repair, and illumination must be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.
- g) Heating. Heating facilities or heating equipment in vacant buildings must be removed, rendered inoperable, or maintained in accordance with applicable codes.
- h) Termination of utilities. The building official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner. No utility may be restored until consent is given by the building official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The building official may authorize immediate termination of utilities at his or her discretion in emergency circumstances.
- i) Signage. Abandoned, obsolete or unused exterior signs and installation hardware must be removed. Holes and penetrations must be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building must be repaired, resurfaced, painted, or otherwise altered to be compatible with the building surfaces.

Permitted signage must be maintained in good condition and in compliance with Chapter 126 Art. I of this code. Signage may be placed on the property in accordance with the Sign Code chapter 340.8.3.



	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 9 of 11	Resolution #	31745

- j) Exterior maintenance. The owner must comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:
1. *Public nuisances.* The owner must eliminate any activity on the property that constitutes a public nuisance as defined by Chapter 223 of the city code.
  2. *Grass and weeds.* Any weeds or grass must be no greater than eight (8) inches in height.
  3. *Snow Removal.* Snow from sidewalks shall be cleared within 36 hours in accordance with Chapter 278-16
  4. *Exterior structure maintenance.* The owner must maintain the vacant building in compliance with sections 1 through 11 as determined to be necessary by the building official.
  5. *Abandoned or junk vehicles.* The owner must remove abandoned and junk vehicles from the property. The City may impound such vehicles consistent with the requirements in Chapter 190 of the city code.
  6. *Storage and disposal of refuse.* The storage and disposal of refuse must comply with the requirements of Chapter 268 of the city code.
  7. *Animals.* The owner must ensure that all animals are removed from the property and handled in a humane manner.
  8. *Diseased, dead, or hazardous trees.* The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with Chapter 297 of the city code.
  9. *Graffiti.* The owner must remove all graffiti from the property in accordance with city ordinance.
  10. *Abandoned pools.* Swimming pools must be maintained in good operating condition; treated to prevent pest harborage; or properly drained and emptied. Swimming pools must be secured in accordance with city code chapter 247.
- k) Removal of garbage and refuse. The owner of any vacant building, or vacant portion thereof, must remove all garbage, refuse, rubbish, swill, filth, or other materials from the vacant building and the property upon which the building is located.
- l) Police protections systems. The owner must properly maintain all alarm systems required by Marion ordinance in any vacant building or portion thereof in operating condition.
- m) Loitering, criminal activities. Loitering or engaging in criminal activities is not

	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 10 of 11	Resolution #	31745

allowed in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party must not allow these activities and take immediate actions to eliminate these conditions once notified by the city.

- n) Emergency Abatement. The building official may authorize immediate abatement of any public nuisance or maintenance item if, at the discretion of the building official, emergency circumstances exist that present an imminent threat to the public health and safety.
- o) Other Codes. All other city codes and applicable regulations must be complied with. This is including but not limited to the Property Maintenance Ordinance Chapter 247, Nuisance Code Chapter 223, and the Building and Construction Codes Ordinance Chapter 126.

#### ***9. Section 7 – No Occupancy or Trespass***

---

No person may trespass, occupy or reside in, on a temporary or permanent basis, any vacant building without the owner's consent.

#### ***10. Section 8 – Vandalism or Removal of Items Prohibited***

---

No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

#### ***11. Section 9 – Appeal***


---

Any person or responsible party aggrieved by a decision under sections 1 through 10 may appeal to the Nuisance Enforcement and Property Maintenance Advisory Board. The appeal must be in writing, must specify the grounds for the appeal, and must be submitted to the Building Department counter within ten business days of the decision that is the basis of the appeal.

#### ***12. Section 10 – Penalties***

---

Any person or responsible party who violates sections 01 through 10 is subject to the penalty as provided under Chapter 55 of the city of Marion's Code of Ordinances. Nothing in sections 1 through 10, however, is deemed to impair other remedies or civil penalties available to the city under this code or state law.

	<b>Vacant Building Policy</b>	Revision #	
		Implementation Date	12/21/23
		Last Reviewed/Update Date	
	Page 11 of 11	Resolution #	31745

### ***13. Contact Information***

---

For questions about this policy, please contact:

Community Development Department  
City of Marion  
1225 6<sup>th</sup> Avenue  
Marion, IA 52302  
(319)743-6330